

United States District Court  
for the  
Western District of New York

In the Matter of the Search of Premises Located at:

*(Briefly describe the property to be searched or identify the person by name and address.)*

25 Avery Avenue  
Lackawanna, New York 14218

Case No. 19-mj-1019  
(Filed Under Seal)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Western District of New York *(identify the person or describe the property to be searched and give its location)*:

**See Attachment A, which is attached hereto and incorporated by reference herein.**

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

**See Attachment B, which is attached hereto and incorporated by reference herein.**

All of which are evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 2320, 542, and 545, and which are more particularly described in the application for this warrant, which is incorporated herein by reference.

YOU ARE COMMANDED to execute this warrant on or before 4/11/19  
*(not to exceed 14 days)*

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Hon. Jeremiah J. McCarthy.  
*(United States Magistrate Judge)*

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☐ for \_\_\_\_ days *(not to exceed 30)* ☒ until, the facts justifying, the later specific date of \_\_\_\_.

Date and time issued: 3/15/19

City and State: Buffalo, New York

  
*Judge's signature*  
HONORABLE JEREMIAH J. MCCARTHY  
UNITED STATES MAGISTRATE JUDGE  
*Printed name and Title*

**Return**

Case No.: 19-mj-

Date and time warrant executed:

3/28/19 1000

Copy of warrant and inventory left with:

Patrick Gibbons

Inventory made in the presence of:

Special Agent Michael Dombek

Inventory of the property taken and name of any person(s) seized:


- 21 Pairs of various suspected counterfeit  
Nike Sneakers
- 3 Suspected Counterfeit Jerseys.
- 1 Pair suspected counterfeit Adidas  
sneakers
- 1 Pair suspected counterfeit Reebok  
Sneakers

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date:

3/29/19

  
Executing officer's signature

William Aiello, SAH81

Printed name and title



**ATTACHMENT A**  
**DESCRIPTION OF LOCATIONS TO BE SEARCHED**

- The entire property located at 25 Avery Avenue, Lackawanna, NY 14218, including the residential building, any outbuildings, and any appurtenances thereto. The residential building, as depicted below, is a single story, single family residence with white siding. The front of the residence has a small porch with a small roof. There are a set of small black numbers "25" located on siding above the blue mailbox. The blue mailbox is located to the left of the front door. The front door is white with a metal storm door on the outside. A long driveway is located to the left of the residence. The driveway leads to a small detached garage with white siding and a blue door.
- The detached garage with white siding and a blue door.
- The person of Patrick GIBBONS, and any vehicle located at the SUBJECT PREMISES that reasonably appears to be owned or operated by GIBBONS.



## **ATTACHMENT B - DESCRIPTION OF ITEMS TO BE SEARCHED AND SEIZED**

Items to be searched and seized are the evidence, fruits, instrumentalities, or contraband relating to violations of Title 18, United States Code, Sections 2320, 542, and 545, including the following:

### **A. RECORDS**

1. Records, documents, and materials containing information of past and present criminal activity involving trafficking or conspiring to traffic counterfeit goods. The terms "records," "documents," and "materials," includes such items in all forms, including paper, photographic, mechanical, electronic, magnetic, and optical forms, or other coding forms on computer media or on media capable of being read by a computer or computer-related equipment, such as fixed hard discs, external hard discs, removable hard discs, floppy diskettes, compact discs (CDs), digital video discs (DVDs), tapes, optical storage devices, laser discs, electronic notebooks, zip discs, printer buffers, smart cards, or other memory storage devices.

2. Records, documents, and materials that relate to the business of trafficking in counterfeit goods, and that contain, constitute or concern inventory ledgers; purchase orders; confirmation letters; correspondence with co-conspirators; payment or disbursement ledgers; computer documents and/or files; invoices; employee lists and employment information; employee sales records; supplier and delivery records; receipts relating to illegal sales and to the expenditure of proceeds of illegal activities; U.S. Postal Service and/or next day carrier

services documents and receipts; real estate and storage facility lease and title documents; supplier, customer and/or co-conspirator telephone or fax number and address listings; customer records; contracts; Rolodex files; keys; photographs and other forms of identification of associates and co-conspirators; appointment books; notes; and airline ticket receipts.

3. Records, documents, and materials containing, constituting or concerning financial transactions, financial statements, and financial summaries; including bank statements; currency; other financial instruments; financial applications; wire transfer records; credit cards; credit card statements and records; ATM access cards; credit reports; social security cards; accounting records; money orders; checks; tax records; ledgers; and journals, relating to trafficking in counterfeit goods.

4. Records, documents, and materials that relate to the businesses of trafficking in counterfeit goods and that contain, constitute or concern identification, foreign or domestic travel, or occupancy, residency, and ownership, such as driver's licenses; passports; visas; airline tickets; social security documents; mail; utility records; telephone records; and mortgages, deeds, and lien records.

## **B. HARDWARE**

5. Any and all computer hardware that reasonably appears to be in Patrick GIBBONS' actual or constructive possession, custody, or control. Computer hardware is

defined as that which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data related to trafficking in counterfeit goods. Hardware includes any data-processing devices (such as central processing units, memory typewriters, Personal Data Assistants (PDAs), smart phones, tablets and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, removable magnetic disk storage drives and disks, tape drives and tapes, optical storage devices, transistor-like binary devices, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); and related communications devices (such as modems, cables and connections, and RAM or ROM units); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

### **C. SOFTWARE**

6. Computer software consisting of digital information which can be interpreted by a computer and any of its related components to direct the way they work, in whatever form it may be found, to include: electronic, magnetic, optical, or other digital form, in addition to printed source code, related to trafficking in counterfeit goods. Software includes, but is not limited to: any programs to run operating systems, control peripheral equipment, applications, utilities, scripts, compilers, interpreters, and communications programs; any programs, whether functional or not, to assist in the defeat of security/protective features in place to prevent the unauthorized copying, distribution, and/or activation of software; along

with any and all programs necessary for the proper functioning of this software.

**D.    PASSWORDS, DATA SECURITY DEVICES & COMPUTER DOCUMENTATION**

7.     Computer passwords and other data security devices that are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric characters) usually operates as a sort of digital key to “unlock” particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards.

8.     Data security software or digital codes may include programming code that creates “test” keys or “hot” keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or “booby-trap” protected data to make it inaccessible or unreadable as well as reverse the process to restore the data. Computer passwords may be stored in electronic media or written down on ledgers, books, papers, etc.

9.     Computer-related documentation consisting of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use the computer hardware, software, or other related items, related to trafficking in counterfeit goods.

**E. COUNTERFEIT GOODS & RELATED EQUIPMENT, DEVICES & MATERIALS**

9. All counterfeit items such as sneakers, clothing or bags; any identifying containers, product literature, documentation or packaging; and any tools, equipment, devices or materials for use in the manufacture, preparation, creation, or distribution of merchandise bearing unauthorized use of registered trademarks.

10. Any and all correspondence or notices from U.S. Customs and Border Protection, or any other governmental agency, regarding shipments of counterfeit, or suspected counterfeit, goods.

**F. PROCEEDS**

11. Any and all U.S. Currency, foreign currency, money orders, and checks obtained as a result of the distribution of illicit merchandise containing trademarks in violation of the above offenses.